## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

B.L. b/n/f TIM & BRITTNIE EVERITT	§	
and BRITTNIE EVERITT,	§	
individually,	§	
	§	
Plaintiffs,	§	
	§	Case No. 6:23-cv-42-JDK
v.	§	
	§	
HENDERSON INDEPENDENT	§	
SCHOOL DISTRICT,	§	
	§	
Defendant.	§	

## ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Before the Court is Defendant Henderson Independent School District's motion to partially dismiss Plaintiffs' original complaint. Docket No. 3. The Court referred the motion to United States Magistrate Judge K. Nicole Mitchell for proposed findings of fact and a recommendation for disposition.

On August 18, 2023, Judge Mitchell issued a Report recommending that the Court grant Defendant's motion and dismiss Plaintiff's claims for intentional disability discrimination. Docket No. 15. No objections have been filed.

This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc),

superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to

file objections from ten to fourteen days).

Here, Plaintiff did not object in the prescribed period. The Court therefore

reviews the Magistrate Judge's findings for clear error or abuse of discretion and

reviews the legal conclusions to determine whether they are contrary to law. See

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S.

918 (1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the

standard of review is "clearly erroneous, abuse of discretion and contrary to law").

Having reviewed the Magistrate Judge's Report and the record in this case,

the Court finds no clear error or abuse of discretion and no conclusions contrary to

law. Accordingly, the Court hereby **ADOPTS** the Report and Recommendation of the

United States Magistrate Judge (Docket No. 15) as the findings of this Court. It is

therefore **ORDERED** that Defendant's motion for partial dismissal (Docket No. 3) is

**GRANTED**. Plaintiff's claims for intentional disability discrimination under the

ADA and § 504 of the Rehabilitation Act are **DISMISSED** pursuant to Federal Rule

of Civil Procedure 12(b)(6).

So ORDERED and SIGNED this 8th day of September, 2023.

JE**R**EMY D. KERNODLE

HNITED STATES DISTRICT JUDGE